

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA,

Plaintiff,

-against-

DAVID D. KADOCH,

Defendant,

COSMETIC DENTISTRY OF NEW YORK, P.L.L.C.,

Garnishee.

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Amon, J.:


NOT FOR PUBLICATION
ORDER
96-CV-4720 (CBA)

FILED
IN CLERK'S OFFICE
U.S. DISTRICT COURT ONLY
★ JUL 1 - 2011
BROOKLYN OFFICE

This Court has received the Report and Recommendation ("R&R") of the Honorable Cheryl L. Pollak, United States Magistrate Judge, dated June 10, 2011, in the above-captioned matter. Objections to the R&R were due within fourteen (14) days of receipt of the R&R. The R&R recommends that the Court grant defendant's motion to vacate the default judgment because the government had failed to establish that service was properly effected or, in the alternative, in the exercise of its discretion, pursuant to the three part test articulated in Enron Oil Corp. v. Diakuhara, 10 F.3d 90, 95-96 (2d Cir. 1993). The R&R further recommended that defendant be permitted to file an Answer and that an expedited discovery schedule be set to enable the Court to resolve this case on the merits as quickly as possible. The defendant has already filed an answer, dated June 24, 2011. As of the date of this Order, no objections to the R&R have been filed with the Court. The Court has reviewed the R&R and adopts the recommendations contained therein. The Clerk of Court is directed to reopen the case.

SO ORDERED.

Dated: Brooklyn, New York
July 7, 2011

 s/CBA

Carol B. Amon
Chief United States District Judge

Copy mailed to: David Kadoch, 290 Breezy Way, Lawrence, NY 11559